

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETAINER AGREEMENT WITH THE LAW FIRM OF SMITH, GAMBRELL & RUSSELL, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH MATTERS PERTAINING TO PROPERTY TAXES ASSESSED BY CLAYTON COUNTY, GEORGIA UPON PROPERTIES AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT LOCATED IN CLAYTON COUNTY; TO AUTHORIZE EXPENDITURE FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$250,000.00, TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2H01 524001 H11001; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns and operates Hartsfield-Jackson Atlanta International Airport (the "Airport"), the majority of which is located in Clayton County, Georgia; and

WHEREAS, Clayton County has declared certain parcels at the Airport to be of a taxable nature and has assessed property taxes against these parcels. The City disagrees with Clayton County's assessment and is in a genuine dispute with Clayton County regarding the taxable nature of these parcels; and

WHEREAS, a favorable resolution of this tax dispute by the City is important to the City on a financial and precedential basis; and

WHEREAS, tax law is a specialized and complex area of the law. No attorneys in the City's Department of Law possess an expertise in the area of tax law; and

WHEREAS, Section 2-396 of the City of Atlanta Code of Ordinances vests the City Attorney "with complete and exclusive authority and jurisdiction in all matters of law;" and

WHEREAS, the City Attorney has determined that, in order to most effectively and efficiently represent the City in this tax dispute, the attorney(s) handling the dispute must continue to have an expertise in the area of tax law; and

WHEREAS, the attorneys at Smith, Gambrell & Russell, LLP specialize in the area of tax law and have an excellent reputation; and

WHEREAS, on January 21, 2003, the Council of the City of Atlanta authorized the City Attorney to retain Smith, Gambrell & Russell, LLP to serve as outside counsel representing the City in its dispute against Clayton County, Georgia regarding the taxability of parcels at the Airport located in Clayton County and related matters.

WHEREAS, the City Attorney recommends that the City continue to retain Smith, Gambrell & Russell, LLP to represent the City in this dispute; and

WHEREAS, Smith, Gambrell & Russell, LLP is not able at this time to estimate the total cost of continuing to handle this matter; and

WHEREAS, the City requests additional authorization to expend additional funds to compensate and reimburse Smith, Gambrell & Russell, LLP in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00), with the understanding that the cost of handling this dispute may exceed this amount, and that, if necessary, the City Attorney will return to the City Council in the future with a status report on the matter and a request for authorization for additional funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney be and is hereby authorized to continue to retain the law firm of Smith, Gambrell & Russell, LLP to serve as outside counsel representing the City in its dispute against Clayton County, Georgia regarding the taxability of parcels at the Airport located in Clayton County and related matters.

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to continue to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Smith, Gambrell & Russell, LLP in connection with tax matters regarding Airport property located in Clayton County, that are approved for payment by the City Attorney, in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00), to be paid from Fund Account and Center Number 2H01 524001 H11001.

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUL 05, 2005

JUL 14, 2005

Deputy Clerk

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 5-19 EXCEPT 05-R-1140

ADOPT

YEAS: 13

NAYS: 0 ABSTENTIONS: 0

NOT VOTING: 3

EXCUSED: 0
ABSENT 0

Y	Smith	NV	Archibong	Y	Moore	Y	Mitchell
Y	Starnes	Y	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	NV	Muller	Y	Sheperd	NV	Borders

		7/05/05
ITEMS ADOPTED	ITEMS ADOPTED	ITEMS ADVERSED
ON CONSENT	ON CONSENT	ON CONSENT
1. 05-O-1198	31. 05-R-1142	43. 05-R-1153
2. 05-O-1071	32. 05-R-1143	44. 05-R-1154
3. 05-O-1050	33. 05-R-1144	45. 05-R-1155
4. 05-O-1051	34. 05-R-1145	46. 05-R-1156
5. 05-O-1206	35. 05-R-1146	47. 05-R-1157
6. 04-O-1364	36. 05-R-1147	48. 05-R-1158
7. 05-O-1058	37. 05-R-1148	49. 05-R-1159
8. 05-O-1059	38. 05-R-1149	50. 05-R-1160
9. 05-O-1083	39. 05-R-1150	51. 05-R-1161
10. 05-O-1092	40. 05-R-1151	52. 05-R-1162
11. 05-R-0113	41. 05-R-1152	53. 05-R-1163
12. 05-R-1213	42. 05-R-1238	54. 05-R-1164
13. 05-R-1007		55. 05-R-1165
14. 05-R-1046		56. 05-R-1166
15. 05-R-1048		57. 05-R-1167
16. 05-R-1088		58. 05-R-1168
17. 05-R-1137		59. 05-R-1169
18. 05-R-1138		60. 05-R-1170
19. 05-R-1139		61. 05-R-1171
20. 05-R-1141		62. 05-R-1172
21. 05-R-1196		63. 05-R-1173
22. 05-R-1239		64. 05-R-1174
23. 05-R-1136		65. 05-R-1175
24. 05-R-1124		66. 05-R-1176
25. 05-R-1125		67. 05-R-1177
26. 05-R-1130		68. 05-R-1178
27. 05-R-1193		69. 05-R-1179
28. 05-R-1197		70. 05-R-1180
29. 05-R-1212		71. 05-R-1181
30. 05-R-1237		72. 05-R-1182
		73. 05-R-1183
		74. 05-R-1184
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